

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR No. 05-1849 JH

DANA JARVIS,

Defendant.

NOTICE OF NON-AVAILABILITY

Jody Neal-Post, co-counsel for Defendant Dana Jarvis, hereby gives notice of the non-availability of Richard Demarest, discovery coordinator on behalf of all defense counsel [Doc. No. 1368], due to a previously scheduled conflict.

Mr. Demarest is conducting a continuing legal education seminar to the Colorado Criminal Defense Bar in Denver on Friday, December 12, 2008, a seminar long-scheduled on a reserved attendance basis.

The presence of Mr. Demarest for *James* hearings proceedings on behalf of all defense counsel in *United States v. Jarvis, et al.*, is critical. Should the Court adhere to its proposed scheduling of the James hearing for Tuesday, December 9, 2008, [Doc. No. 1455], Mr. Demarest would be available for proceedings only through and including the end of hearings on Thursday, December 11, 2008, at which time he would need to depart for Denver for his CLE Seminar preparation.

Respectfully submitted by:

Electronically Filed
/s/

November 11, 2008

By _____
Jody Neal-Post, Esq.
Co-Counsel for Dana Jarvis
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I hereby certify that a true and correct copy of the foregoing pleading was delivered to opposing counsel via the CM/ECF system this 11th of November, 2008.

Electronically Filed

Jody Neal-Post